

**REMARKS**

Claims 2-5, 24-41 and 51-59 remain pending. Claims 51-59 are new claims.

**Withdrawal of Terminal Disclaimer**

In view of the effective filing date of the pending claims of March 9, 1994, based on U.S. Patent Application 08/209,061, which matured into U.S. Patent 5,472,064, Applicant withdraws the terminal disclaimer disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 5,318,080. Applicant submits a revised Declaration of Inventor which reflects this change of priority.

**Claim Rejections – 35 USC § 102**

Claims 3-5 were rejected under 35 USC 102(e) as being anticipated by Chen 5,337,708.

Pursuant to 37 C.F.R. §1.131, the applicant submits with this Response a declaration establishing invention of the subject matter of the rejected claim prior to the effective date of the reference.

The declaration and attached Exhibits 1 – 4 together establish reduction to practice prior to the effective date of the reference. Photocopies of original exhibits of construction and records are provided within Exhibits 1 – 4.

Reconsideration of the rejection based on Chen '708 is respectfully requested.

**Claim Rejections – 35 USC § 103****Chen '708**

Claims 2, 24, 26 and 31-33 were rejected under 35 USC 103(a) as being unpatentable over Chen '708 in view of Becnel '941. In view of the declaration establishing invention of the subject matter of the rejected claim prior to the effective date of Chen '708, it is submitted that Chen '708 is not prior art and therefore this rejection is improper. Reconsideration of the rejected claims is requested.

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Claim 33 was rejected under 35 USC 103(a) as being unpatentable over Chen '708 and Becnel '941 as applied to claim 32 above. In view of the declaration establishing invention of the subject matter of the rejected claim prior to the effective date of Chen '708, it is submitted that Chen '708 is not prior art and therefore this rejection is improper. Reconsideration of the rejected claims is requested.

**Japanese Patent 2,72-299**

Claims 26 and 31-32 were rejected under 35 USC 103(a) as being unpatentable over Japanese Patent 2,72-299 and Becnel '941 and Parker '160. In view of the declaration establishing invention of the subject matter of the rejected claim prior to the effective date of Parker '160, it is submitted that Parker '160 is not prior art and therefore this rejection is improper. Reconsideration of the rejected claims is requested.

Claim 33 was rejected under 35 USC 103(a) as being unpatentable over Japanese Patent 2,72-299 and Becnel '941 and Parker '160. In view of the declaration establishing invention of the subject matter of the rejected claim prior to the effective date of Parker '160, it is submitted that Parker '160 is not prior art and therefore this rejection is improper. Reconsideration of the rejected claims is requested.

Regarding new claims 51 – 59, it is submitted that Japanese Patent 2,72-299 does not anticipate these claims as fluid flow through the bypass conduit of the present invention is not substantially restricted. In comparison, the pressure relief valve 12 of Japanese Patent 2,72-299 would appear to impede the flow of fluid through bypass conduit 11 as fluid flow through valve 12 would require a high pressure differential. Page 6, lines 1 – 1-8, Bertrand Translation of Japanese Patent 2,72-299.

**Request for Reconsideration and Allowance**

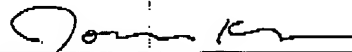
Based upon the above Amendments and Remarks, claims 2-5, 24-41 and 51-59 are believed to be in proper form for allowance. Applicant respectfully requests reconsideration of those claims and a prompt Notice of Allowance thereon.

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Please direct any questions or comments regarding this application to John F. Klos at  
(612) 321-2806.

Respectfully submitted,  
James P. Viken, by his attorneys

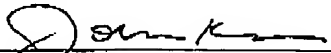
Dated: September 25, 2003

  
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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8:

I hereby certify that this paper and any papers referred to herein are being sent  
via facsimile to Commissioner for Patents telephone number 703-746-4521 on  
September 25, 2003.

John F. Klos:

  
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Signature

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